

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

GILDA ROSENBERG (01)

§
§
§
§
§

No. 4:23-CR- 62
Judge Mazzant 1A G D

FACTUAL BASIS

The defendant, GILDA ROSENBERG, hereby stipulates and agrees that at all times relevant to the Information, the following facts were true:

1. She is the same person charged in the Information, and is pleading guilty to Count One, Conspiracy to Commit Wire Fraud.
2. The events described in the Information occurred in the Eastern District of Texas and elsewhere.
3. The introductory allegations contained in paragraphs 1 through 14 of the Information are true and correct.
4. From in or around May 2016, and continuing thereafter until at least January 2023, the exact dates being unknown to the United States Attorney, in the Eastern District of Texas, and elsewhere, the defendants, **BIEGUN and ROSENBERG**, did intentionally, knowingly, and willfully combine, conspire, and agree with each other and others, both known and unknown to the United States Attorney, to devise a scheme and artifice to defraud, and obtain money and property from **AAFES** by means of materially false and fraudulent pretenses, representations, and promises, and for the

purpose of executing such scheme and artifice, did knowingly transmit and cause to be transmitted by means of wire communications in interstate commerce, any writings, signs, signals, and sounds, in violation of 18 U.S.C. § 1343.

5. The defendants knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose.

Object of the Conspiracy

6. It was the object of the conspiracy to defraud AAFES by creating and presenting materially false **Settlement Reports** and false claims in order to avoid fully paying contractually required commissions.

Manner and Means of the Conspiracy

Among the manner and means by which **ROSENBERG** and **BIEGUN** carried out the conspiracy were the following:

7. Defendants conducted financial analysis of awarded **AAFES** contracts to determine the necessary 'R' factor needed to be profitable and in-turn, defraud **AAFES**.

8. Defendants systematically monitored its subcontractors' actual sales data using cloud-based VMS commission user access.

9. Defendants restricted communication between **AAFES** representatives and sub-contractors concerning actual sales information in instances where **GILLY VENDING** operations team members or subcontractors might inadvertently expose the scheme.

10. Defendants communicated with employees and contract employees about spreadsheet templates and other directives which discussed the processes for 'R' factoring to be used to create false sales reports.

11. Defendants would receive accurate sales data from their sub-contractors and would then fraudulently reduce that number by the pre-determined 'R' factor.

12. After determining the new sales figures, defendants would create false **Settlement Reports**.

13. Defendants would either mail or email the false monthly **Settlement Reports** and/or false corresponding sales data to **AAFES**.

14. Additionally, prior to September 2022, the defendants used commercial interstate carriers and U.S. Postal Service to mail commission checks, materially false sales reports and falsified documentation to various **AAFES** contract locations throughout the country. After September 2022, the defendants electronically transferred the payments to **AAFES**.

15. The known actual fraud loss to **AAFES** during the term of the conspiracy at the time of the filing of the Information is more than \$550,000.00. This amount was after the defendants entered the conspiracy, part of jointly undertaken activity and reasonably foreseeable to them.

DEFENDANT'S SIGNATURE AND ACKNOWLEDGMENT

16. I have read or had read to me this factual basis and have discussed it with my attorney. I fully understand the contents of it and agree without reservation that it accurately describes the events and my acts.

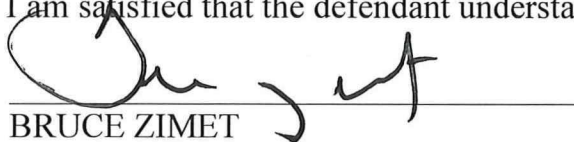
Dated: 3/21/24

GILDA ROSENBERG

Defendant

DEFENDANT'S COUNSEL'S SIGNATURE AND ACKNOWLEDGMENT

17. I have read this factual basis and have reviewed it with the defendant. Based upon my discussions with the defendant, I am satisfied that the defendant understands it.

Dated: 3/22/2024

BRUCE ZIMET

Attorney for the Defendant

3/22/2024